

Remarks

Claims 32-35, 38, 39, 41, and 43 are presented for reconsideration, with claim 32 being the sole independent claim. Claim 39 is sought to be amended. Claims 1-31 are sought to be cancelled without prejudice or disclaimer of the subject matter therein as being directed to a non-elected invention. Applicants reserve the right to prosecute similar or broader claims, with respect to the amended and cancelled claims, in the future. Claims 36-37, 40, and 42 are withdrawn as being directed to a non-elected invention, but having a generic, linking claim, claim 32. Applicants reserve the right to have the withdrawn claims brought back into the case once the generic, linking claim 32 is found allowable. No new matter has been entered by any of the amendments.

Based on the above amendments and following arguments, Applicants respectfully request that the Examiner reconsider and withdraw the rejections.

Rejections under 35 U.S.C. §102(b and e)

102(b)

Claims 32-35, 38, 41, and 43 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,124,650 to Bishop et al. ("Bishop"). Applicants traverse this rejection.

Claim 32 recites features that distinguish over the applied references. For example, claim 32 recites:

a reference plane;
a magnet, located proximate to a supporting structure, the magnet producing a first magnetic field with uniformly spaced field lines *at obtuse angles with respect to the reference plane*;
a cantilever, supported by the supporting structure, *having an axis of rotation lying in the reference plane*, and having a magnetic material that makes the cantilever sensitive to the first magnetic field, such that the cantilever can rotate about the axis of rotation between first and second states

For example, as seen in Figures 5-7 of the instant application, and related text, a reference plane is a plane passing through axis 514, where the magnetic field H_0 is at an obtuse angle α with respect to the plane passing through axis 514. In this example, the orientation of the magnetic field H_0 with respect to the reference plane results from the angling of permanent magnet 502, as the magnetic field is normal to a longitudinal axis of the permanent magnet.

Page 2 of the Office Action, includes a conclusory allegation that Bishop teaches of “a reference plane,” but fails to cite any portion of the Bishop patent to support this allegation. Thus, based on the recitation of the features of the reference plane in claim 32, Applicant must assume that the alleged plane is inherent, and runs through the longitudinal axis of cantilever 12 in Bishop. The Office Action includes a further conclusory allegation that Bishop teaches that “the magnet producing a first magnetic field with uniformly spaced field lines at obtuse angles with respect to the reference plane,” but again never cites to support for such a teaching in the Bishop patent, or how magnet 16 in Bishop can possibly produce such a magnetic field.

In contrast to these allegations in the Office Action, when defining a reference plane in Bishop with respect to the recited features in claim 32, the magnetic field caused by magnet 16 in Bishop could *only* be *perpendicular* to the reference plane, which teaches away from the claimed invention. Therefore, Applicants assert that Bishop does not teach or suggest at least the above-discussed distinguishing features of independent claim 32.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 32 and find it allowable over the applied reference. Also, at least based on their dependency to claim 32, claims 33-35, 38, 39, 41, and 43 are allowable. Further, since generic linking claim 32 is allowable, claims 36-37, 40, and 42 should be brought back into the application and indicated as allowable over Bishop.

102(e)

Claims 32-34, 38, 39, 41, and 43 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,794,965 to Shen et al. (“Shen”). Applicants traverse this rejection.

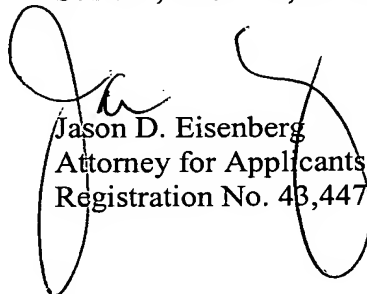
Claim 32 recites features that distinguish the teachings of Shen. As with Bishop, the Office Action fails to cite structure or function in the Shen patent to support the alleged anticipatory teachings. Thus, Shen, like Bishop, cannot render unpatentable the claimed invention.

Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 32 and find it allowable over the applied reference. Also, at least based on their dependency to claim 32, claims 33-35, 38, 39, 41, and 43 are allowable. Further, since generic linking claim 32 is allowable, claims 36-37, 40, and 42 should be brought back into the application and indicated as allowable over Shen.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date: 7/24/06

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
SKGF_DC1: 560419.2